

Green, LindaE

From: Bob Wampler <wampler@gwu.edu>
Sent: Monday, August 01, 2016 12:21 PM
To: FOIA HQ
Cc: 'National Security Archive National Security Archive'
Subject: FOIA Request
Attachments: EPA FOIA request 8-1-2016.docx

Dear Sir or Madam,

I am writing to submit the attached FOIA request. Please note that the National Security Archive is not charged search and review fees as it qualifies for "representative of the news media" status under 5 U.S.C. Sec. 552(a)(4)(A)(ii)(II); please see the details provided in the letter. I appreciate your assistance and look forward to your response.

Yours,

Robert A. Wampler, PhD
Senior Fellow
The National Security Archive
202-994-7000

The National Security Archive

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August 1, 2016

National Freedom of Information Center
U.S. EPA, Records, FOIA and Privacy Branch
1200 Pennsylvania Avenue NW (2822T)
Washington, DC 20460

Dear Sir or Madam:

Re: Request under the FOIA, in reply refer to Archive FOIA Sequence number 20160533EPA034

Pursuant to the Freedom of Information Act (FOIA), I hereby request disclosure of the following documents for inspection and possible copying:

Documents prepared in connection with the 39th session of the Intergovernmental Panel on Climate Change (IPCC) and the 12th session of Working Group III (WGIII-12) of the IPCC, which were held from April 7-12, 2014 in Berlin, Germany. During the six-day meeting, delegates met to consider the WGIII contribution to the IPCC Fifth Assessment Report (AR5) on mitigation of climate change, and the Summary for Policymakers (SPM) on the findings of WG III. At the end of the meeting, WGIII approved the SPM and accepted the underlying report, including the Technical Summary and annexes. After the conclusion of WGIII's session on April 12, IPCC-39 re-convened to formally accept the actions of the working group with regard to the approval of its SPM.

The scope of the search for relevant documents would include, but not be limited to, documents prepared for the EPA Administrator; the Assistant Administrator for International Activities; the Assistant Administrator for Policy, Planning and Evaluation; and the Assistant Administrator for Air and Radiation, as well as documents prepared for EPA officials who attended the session. According to the official participants list, the following EPA officials attended: Heather Klemick and Alex Marten. The time frame for the search should extend from January through June 2014. Given the date of the conference, the search should also include any retired records for these offices.

I am primarily interested in documents that deal in a substantive manner with U.S. policy deliberations and decisions regarding the IPCC meetings and reports as discussed above. Relevant documents would include, but not be limited to, cables reporting on the meetings, memoranda of conversation with U.S. or foreign officials from other governments attending the conference prior to or during the meetings; briefing and position papers for members of the U.S. delegations to the meetings; agendas and minutes of inter-agency meetings held to discuss U.S. policy objectives for the IPCC meeting and its reports, analyses of positions held by other governments; and assessments of the conference's results. You may exclude from the scope of this request any documents that are of a purely administrative or logistical nature, or which provide information that is already publicly available, i.e., news briefings, press clippings, published academic or foundation reports and studies, and the official UN reports and documents available on the UN website at

- 1) http://www.ipcc.ch/scripts/_session_template.php?page=_39ipcc.htm
- 2) http://www.ipcc.ch/scripts/_session_template.php?page=_39ipcc.htm

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA

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requires, please release all reasonably segregable nonexempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As a representative of the news media, the National Security Archive qualifies for "representative of the new media" status under 5 U.S.C. Sec. 552(a)(4)(A)(ii)(II) and, therefore, may not be charged search and review fees. (See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381 (D.C. Cir. 1989), *cert denied*, 110 S Ct. 1478 (1990)). This request is made as part of a scholarly and news research project that is intended for publication and is not for commercial use. For details on the Archive's research and extensive publication activities please see our website at www.nsarchive.org. Please notify me before incurring photocopying costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000. I look forward to receiving your response within the twenty-day statutory time period.

Sincerely,

Robert A. Wampler
Senior Fellow
The National Security Archive